

Remarks:

Claims 10 and 17 have been cancelled in this amendment.

Claim 7 has been amended to state that the claimed method disrupts eukaryotic cells. Support for this amendment is found throughout the specification in its explicit and implied references to assaying cells extracted from lymph node intra-operatively. Such techniques are known to be used to assay eukaryotic cells such as white blood cells from the patient. Support is also found, for example, in paragraph [0025] of the published specification where the described assay is for porcine b-actin, a gene of eukaryotic origin.

Claim 7 has also been amended so that the method is conducted with a disruption element of about 6mm and which is only slightly smaller than the container in which it is placed. Support for this amendment is found at paragraphs [0009] and [0012] of the published application. The amendment to the claim indicates that the disruption occurs as a result of contact that consists essentially of rolling contact between the disruption element, the container wall, and the specimen (and thus not sonication or substantially vibrational motion). This amendment is supported by paragraphs [0004] and [0007] of the published application. Accordingly, no new matter has been added.

Respectfully submitted,

/Todd Volyn/

Todd F. Volyn

Reg. No. 37,463

Johnson & Johnson.
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Telephone: 732-524-6202
Dated: September 26, 2006